



Department of Environmental Protection

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March 2018

3/30/18: MassDEP entered into a Consent Order with a \$23,000 Penalty involving Worcester Country Club Acres, LLC, for Wetlands violations in Worcester. The violations were associated with the construction of a condominium complex near Poor Farm Brook in Worcester. The company did not comply with its local Order of Conditions, including failing to maintain erosion and sedimentation controls. As a result, sediment discharges from the project altered approximately 3,000 square feet of bordering vegetated wetland. Sediment discharges also altered the 'bank' of Poor Farm Brook and entered the brook itself, which is a cold water fish resource. The company has submitted a restoration plan, and has agreed to restore the wetland resource areas and pay the full \$23,000 Penalty.

3/29/18: MassDEP entered into a Consent Order with a \$16,750 Penalty involving National Lumber Company for Waste Site Cleanup violations in Mansfield. The company failed to notify a release of oil greater than the reportable quantity, and they failed to undertake investigative and assessment actions of sufficient scope to guide appropriate response actions at the site. On 6/27/17, an estimated 500 gallons of diesel fuel was released after a forklift was left unattended and overfilled. The release impacted paved surfaces and the site's storm water system. National Lumber Company personnel had knowledge of the release but failed to notify MassDEP within two hours as required by the state regulations. Today's Order requires payment of \$15,750 payable with \$1,000 suspended, provided all terms of the Order are met.

3/29/18: MassDEP entered into a Consent Order with Borges Brothers Inc. for Underground Storage Tank violations in Freetown. Borges Brothers Inc. failed to remove three single walled steel underground fuel storage tanks

by 6/1/18, and update the UST Data Management System by the same date. Today's Order extends the deadline previously established.

3/28/18: MassDEP entered into a Consent Order with a \$30,000 Penalty involving CAPS Auto Wrecking Corp. for Waste Site Cleanup violations at 1069 Western Ave (rear) in Lynn. CAPS is the owner of the property where the violations include failure to meet deadlines that MassDEP had previously established in a Notice of Noncompliance dated 3/3/1, and subsequently a Consent Order dated 11/4/13. Today's Order requires that CAPS submit to MassDEP a permanent or temporary solution for the site, which meets the requirements or, if appropriate, a remedy operation status submittal, which meets the requirements by 8/11/19. The site was a junk yard and is currently used for auto repair and parking. Today's Order requires the payment of a \$4,000 and MassDEP agrees to suspend \$26,000 provided all the terms are met, and contains a stipulated penalty provision for any missed deadlines.

3/26/18: MassDEP entered into a Consent Order with a \$1,035 Penalty involving Millennium Power LLC, for Hazardous Waste Management violations in Westfield. Millennium Power is a valve repair and fabrication shop located in Westfield. MassDEP discovered during an inspection that the company failed to comply with the applicable hazardous waste accumulation standards and was generating hazardous wastes and waste oil in excess of its registered status. The company has agreed to pay the full \$1,035 Penalty.

3/23/18: MassDEP was notified that the joint motion filed in Suffolk Superior Court by the Commonwealth through the Attorney General's Office had resulted in an approved consent judgement. The judgement involves E&F Environmental Services, a New Hampshire asbestos abatement contractor licensed in Massachusetts and Frank Balogh is E&F's co-owner and manager. New England Builders and Contractors (NEB) is a Methuen general contractor. TRC Environmental Corp is formerly Covino Environmental Associates (TRC), and Blackstone Architects, Inc. (Blackstone). The judgment allowed by the Court settles claims by the AG and MassDEP that the four companies violated the state's clean air law and regulations governing the removal, handling storage and disposal of asbestos containing material and asbestos containing waste material while working on renovations at the Salem housing facility, Pioneer Terrace. The consent judgment also resolves

claims that Blackstone and NEB violated the state's False Claims Act when they submitted claims for payment to the Salem Housing Authority, certifying that the improper work was completed in compliance with state law. The consent judgment also resolves claims that E&F violated the state's clean air law and regulations governing the handling of asbestos while performing work at a multi-family residence in Medford. The consent judgment requires TRC to pay a civil penalty of \$60,000 and retrain staff through attendance at the Massachusetts Division of Labor Standards (DLS) training class. Blackstone will pay a civil penalty of \$45,000. NEB will pay a civil penalty of \$70,000, with an additional \$15,000 suspended and waived if staff complete the "Foreman's Course" at a DLS training class. E&F and Balogh will pay a civil penalty of \$130,000 with an additional \$20,000 suspended and waived if all employees complete the "Foreman's Course" at a DLS training class. Since both the Pioneer Terrace site and the Medford residence were remediated, no other injunctive relief was sought.

3/22/18: MassDEP entered into a Consent Order with a \$29,904 Penalty involving P.J. Keating Company for Air Quality violations in Lunenburg. The company's permit violations related to excessive dust and odor and missing pressure monitoring equipment. MassDEP also observed an unpermitted discharge of vehicle wash water and dust suppression water to a stream. Observations were made during a stack test in October 2016 and a follow-up visit in November 2016. The company will be required to develop and submit dust and odor minimization plans, install the pressure monitoring equipment on the asphalt particulate cyclone, and to submit a report on its best management practices for controlling industrial wastewater.

3/21/18: MassDEP issued a Unilateral Order to Northern Tree Service, Inc. for Wetlands violations in Springfield. Northern Tree Service of Palmer must cease and desist from discharging sediment to resource areas and to stabilize its work site. Northern is performing maintenance and repair of the Lower Van Horn Park dam in Springfield.

3/21/18: MassDEP entered into a Consent Order with a \$2,000 Penalty involving Electroschwitch Switches & Relays for Hazardous Waste violations in Rockland. A multi-media inspection by MassDEP revealed that there was a failure to conduct the necessary annual personnel training on hazardous waste management procedures. In addition, Electroschwitch failed to maintain a complete personnel training plan available on-site at the time of

inspection by MassDEP. Today's Order ensures compliance with the Hazardous Waste requirements.

3/19/18: MassDEP entered into a Consent Order with a \$140,910 Penalty involving NASDI, LLC for Asbestos, Solid Waste and Hazardous Waste Management violations at several sites in Boston, Woburn, Lawrence and Stoughton. NASDI is a DLS licensed Asbestos contractor, and a demolition company that operates out of a facility in Woburn and also has a facility in Stoughton. After responding to a complaint regarding an Asbestos removal project at Drydock Avenue in Boston and observing violations, inspectors conducted a compliance inspection at both the Woburn and Stoughton facilities where they observed more violations related to Asbestos handling and storage, in addition to violations related to the storage, transportation and disposal of waste oil. MassDEP inspectors also received a complaint about an Asbestos waste trailer belonging to NASDI stored improperly at a site in Lawrence. Today's Order requires NASDI to return to compliance at both the Woburn and Stoughton facilities and cease and desist storing waste trailers at unauthorized sites. The noncompliance observed at the Boston site was quickly corrected and remediated. Today's Order also requires NASDI to pay a civil administrative penalty in the amount of \$90,000, with the remaining \$50,910 suspended to ensure continued compliance.

3/16/18: MassDEP issued a \$2,590 Penalty Assessment Notice to John Duquette (d/b/a Dukes Sand and Gravel) for Air Quality violations and Hazardous Waste violations occurring at its sand and gravel quarry located at 101 Grove Street in Adams. The violations included failure to submit a compliance certification for a stationary engine and failure to register as a generator of waste oil. MassDEP also issued a Unilateral Administrative Order to Duquette requiring the facility to correct the violations.

3/16/18: MassDEP entered into a Consent Order with a \$13,740 Penalty involving Roberts Brothers Lumber Co., Inc., for Air Quality violations in Ashfield. Roberts Brothers Lumber has failed to obtain an approval prior to the installation and operation of a generator to provide power to the facility. As part of the settlement, Roberts Brothers Lumber Co., Inc. has agreed to obtain an approval and will pay \$4,740 of the Penalty with an additional \$9,000 suspended pending compliance with the terms of the settlement.

3/16/18: MassDEP issued a \$15,800 Penalty Assessment Notice to Berkshire Construction Company, LLC, for Hazardous Waste violations in North Adams. The violations occurred at Berkshire Construction's facility located at 537 Ashland Street in North Adams. The violations included failure to register as a generator of waste oil, failure to comply with general waste oil management practices and failure to use a licensed hazardous waste hauler to transport waste oil. MassDEP also issued a Unilateral Order requiring Berkshires to correct the violations.

3/14/18: MassDEP entered into a Consent Order with a \$4,550 Penalty involving environmental violations at Marlborough Hospital in Marlborough. MassDEP conducted a multimedia inspection on 6/30/17 and found multiple violations of the Hazardous Waste and Underground Storage Tank Systems regulations. In lieu of paying the total penalty, the company will be conducting a Supplemental Environmental Project consisting of purchasing two gas monitors and two custom incident command boards for the city of Marlborough's Fire Department. The total cost of the SEP is three thousand three hundred sixty-five dollars (\$3,365).

3/14/18: MassDEP entered into a Consent Order with a \$29,506.69 Penalty involving USA Hauling & Recycling, Inc. for Waste Site Cleanup violations in Westfield. USA Hauling is a solid waste recycling and disposal corporation that is based in Enfield, Connecticut. USA Hauling failed to notify MassDEP within two hours of a sudden release of diesel fuel. On 9/6/17, while travelling in the vicinity of North Road in Westfield around 7:00AM, MassDEP observed city of Westfield personnel responding to a heavy oil sheen and diesel fuel odors on and in the vicinity of the road surface of North Road. Near 551 North Road and extending eastward to the North Road and Southampton Road (Route 10) intersection, MassDEP assisted the Westfield Fire Department and Department of Public Works with initial cleanup of the spill, including sanding of the roadway to prevent skidding hazard, as the spill occurred during a steady rain event. Investigation indicated that Westfield officials had received a call regarding the spill from a citizen at approximately 5:20AM. Through interviews of involved public safety personnel, it was determined that a truck from USA Hauling had damaged a fuel tank and released approximately thirty gallons of diesel fuel onto the public roadway and a private access road. MassDEP then contacted USA Hauling regarding the spill, and USA Hauling subsequently arranged for a private contractor to complete cleanup of the roadway, dirt road shoulder, storm drainage system and impacted private

property. USA Hauling will pay the \$16,918.97 Penalty, re-train its employees on responding to releases of oil and hazardous materials, and perform a Supplemental Environmental Project (SEP). USA Hauling, in partnership with MassDEP, will provide a fully-stocked spill response trailer to the Westfield Fire Department. That spill trailer will contain absorbent and containment materials to allow the first responding fire department company to contain and lessen public safety threats and environmental impacts associated with roadway release of petroleum including gasoline and diesel fuel. MassDEP agreed to suspend the additional \$12,587.72 of the penalty provided USA Hauling successfully completes the SEP.

3/7/18: MassDEP Commissioner issued a Final Decision adopting the Office of Dispute Resolution's Recommended Final Decision. That Decision upholds a Penalty Assessment Notice and a Unilateral Order and does the following: dismisses Elpakco's appeals (for failure to prosecute), and affirms the \$33,000 Penalty. In addition it affirms the Order. Previously, back on 9/6/17, MassDEP issued the Order and the \$33,000 Penalty to Elpakco for violations of the state's Waste Site Cleanup violations stemming from Elpakco's prior manufacturing operation in Worcester. In 2006, Elpakco submitted a 'temporary solution' and 'remedy implementation plan' to address historic contamination from chlorinated solvents released at this Worcester site. The company later ceased conducting response actions, failed to respond to two notices of noncompliance MassDEP issued Elpakco, and failed to respond to MassDEP's Notice of Enforcement Conference. Going forward, Elpakco will initiate immediate assessment of a known indoor air exposure pathway, retract the 'temporary solution' Elpakco had submitted and requires them to comply with phase deadlines and implement the selected remedial alternative no later than 6/1/19.

3/7/18: MassDEP entered into a Consent Order with a \$3,750 Penalty involving the Three R's Realty Corporation for Wetlands violations in Dudley. The company must resolve violations of the Wetlands Protection Act that associated with a soil reclamation project at its property off Oxford Ave in Dudley. That incident was a failure of its erosion and sedimentation controls during a rain event on 10/30/17 resulted in the deposition of sediment in Bordering Vegetated Wetlands, a resource area. The corporation has submitted a restoration plan, and has agreed to restore the wetland resource area and pay the \$3,750 Penalty.

3/6/18: MassDEP entered into a Consent Order with \$10,000 Penalty involving Thomson Brothers Industries, Inc. (TBI) for Solid Waste violations in North Andover. TBI operates a recycling and transfer facility in North Andover. At the facility, TBI accepts construction and demolition (C&D) waste and commercial solid waste (CSW) collected from waste generators in the region. TBI processes and consolidates the C&D and CSW into transfer trailers for shipment to off-site facilities for further processing or disposal. The non-compliance cited includes TBI's failure to submit third-party inspection reports regarding the facility's Operation and Maintenance (O&M) and waste ban compliance as required by the Solid Waste Management Regulations. In addition, the actions were in not in compliance with the facility's revised facility permit and authorization to operate. MassDEP issued a Notice of Noncompliance to the facility earlier in 2016. Today's Order requires TBI to take the necessary actions to achieve and maintain compliance with the regulations and the facility permit. Further, today's action sets forth a schedule for TBI's third-party inspections and reporting through April 2019. TBI will make payment of \$7,500 and the remainder of the Penalty will be suspended pending its compliance with the Order.

3/6/18: MassDEP entered into an Amendment to an existing Consent Order with Quabbin Healthcare, Inc. to ensure compliance with Water Supply regulations in Petersham. The amendment pertains to the company re-activating the public water system at the facility to reflect additional requirements associated with activities in the Zone I and current water quality results requiring treatment.

3/5/18: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Adam Quenneville Roofing & Siding, Inc., for Clean Water Act violations in Easthampton. Adam Quenneville Roofing & Siding, Inc. is a home improvement contractor based in South Hadley. On 9/3/17, at 9:48AM, MassDEP was notified by the Easthampton Fire Department regarding the discharge of a 'white-ish' material at 52 O'Neill Street in Easthampton. MassDEP responded immediately to the site to inspect and assist the fire department in attempting to contain the liquid. At the time, the liquid was entering the storm drainage system and was discharging to the Manhan River. Information provided indicated that a roofing restoration product had been applied to the flat membrane roof for the commercial property by Quenneville Roofing employees the previous day. The product requires 12-24 hours to cure, and had been applied to the roof by

personnel despite well documented rain forecasts for later that evening. The company retrained personnel on roofing product procedures and paid the full \$3,000 penalty for violation of the Massachusetts Clean Water Act.

3/5/18: MassDEP entered into a Consent Order with an \$11,237 Penalty involving Lenze Americas Corporation for multiple environmental violations in Uxbridge. As a result of a multimedia inspection on 3/28/17, multiple violations of the Air Pollution Control, Hazardous Waste, Toxics Use Reduction, and Ground Water Discharge Permit Program regulations were discovered. MassDEP observed that the company's motor control unit manufacturing facility was operating without an air plan approval for emitting more than a ton of volatile organic compounds and was discharging industrial wastewater [washwater from cleaning parts] to the on-site septic system. The company also had an unregistered emergency engine; had hazardous waste handling violations; and had failed to submit toxics use reduction reports for three years for processing more than 100 pounds of lead per year. The company has since corrected the violations. The company also undertook, at MassDEP's request, the sampling of its wastewater and septic system. The results met state standards for non-hazardous waste and were below the ground water and soil contaminant reporting levels.

3/1/18: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Northeast Biodiesel Company, LLC for environmental violations in Greenfield. Northeast Biodiesel Company, LLC, is the operator of a biodiesel manufacturing facility in Greenfield. MassDEP discovered during an inspection that Northeast Biodiesel was not following the monitoring, recordkeeping and reporting provisions of its 3/15/16 air quality plan approval. In addition, Northeast Biodiesel failed to comply with MassDEP's hazardous waste notification and labeling standards and did not register an emergency generator with the MassDEP's Environmental Results Program (ERP). Northeast Biodiesel will pay \$3,000 of the Penalty with the additional \$1,000.00 suspended pending demonstrated compliance.

3/1/18: MassDEP entered into a Consent Order with a \$25,300 Penalty involving GKS Corporation for Groundwater Discharge violations in Southwick. The company is doing business as the American Inn, a Senior Living Facility, where the violations are relative to the failure to comply with the Groundwater Discharge Permit. Under a prior Consent Order with MassDEP, GKS was required to either construct a sewer

connection/extension or secure a groundwater discharge permit for the facility. Under today's Order, GKS will pay \$7,500 of the Penalty with \$17,800 suspended provided all the terms, and schedule for compliance with the wastewater regulations and interim measures established in today's Order are met.

February 2018

2/28/18: MasssDEP was notified that the Massachusetts Attorney General's Office had filed a complaint against Mid State Sewerage, Inc. for violations of the Clean Waters Act, the Hazardous Waste Management Act, Title 5 and the False Claims Act. Mid State operates a septage hauling business out of Millbury. The complaint alleges that Mid State illegally discharged septage into a manhole at a town pump station instead of the designated receiving point at the Upper Blackstone Wastewater Treatment Facility. Mid State also maintained an illegal underground storage tank at its facility to hold septage in order to facilitate its unauthorized discharges. The complaint also alleges that Mid State submitted documents to MassDOT with falsified or missing disposal locations in violation of its contract to collect septage from MassDOT facilities. Mid State sought payment for this work, falsely claiming that the work was performed in compliance with its contract.

2/20/18: MassDEP issued a Demand for \$1,000 Payment to Tri-County Recycling for Solid Waste violations in Ware. The Penalty is in relation to an existing Consent Order and a Stipulated Penalty provision for violations of that Order. Specifically, for storing waste outdoors in violation of their authorization to operate permit.

2/22/18: MassDEP issued a Unilateral Order to BI-QEM Inc., (d/b/a Chemiplastica) for alleged Air Quality violations in Northampton. BI-QEM Inc. is a facility which produces urea and melamine thermo-set molding compounds and resins. During MassDEP inspections, it was discovered that BI-QEM Inc. was causing a condition of air pollution by allowing particulate matter emissions from the facility. Particulate emissions were apparent from the accumulation of dust around numerous dust collector vents, outside walls of the building, on the ground outside of the building, on the roof of the building, on the facility's parking lot, and on cars parked at a residence adjacent to the facility. In addition, two separate oil and water separators were observed to be discharging industrial wastewater,

through a garden hose, to the outside of the building and onto the ground surface. Today's Order requires BI-QEM Inc. to immediately cease the emissions of fugitive particulate matter from the facility or, within seven days, perform an assessment of the fugitive particulate emissions and provide a written plan to control them and to initiate cleanup of any outside portion and/or area of the facility. BI-QEM was also ordered to provide a written plan outlining the steps that will be taken to comply with the provisions of its plan approval and to immediately cease discharge of pollutants to the ground waters of the Commonwealth.

2/22/18: MassDEP issued an Order to Cover Technologies and Maurice J. Murphy to abate a potential threat to human health and the environment posed by the generation of dirt and dust from respondents' operation of the former Hopedale Landfill in violation of an existing Consent Order. Murphy and CTI are closing and capping the landfill under the existing MassDEP soils policy. 11/6 & 11/14/17 and again on 2/12/18, MassDEP received photographs which showed that trucks leaving the landfill deposited dirt on the roadway. On 2/13/18, MassDEP observed that trucks leaving the landfill deposited dirt on the roadway. Dirt left on the roadway has impacted neighboring property owners, leaving dust on vehicles and prompting complaints regarding exposure to dust. Today's Order requires CTI and Murphy to immediately cease causing dirt and dust to leave the property and to submit plans to MassDEP within 30 days for a wheel-wash that will prevent dirt and dust leaving the landfill.

2/27/18: MassDEP issued a Demand Letter to Nasoya Foods USA LLC, for continued odor violations at the tofu manufacturing plant in Ayer. Today's \$11,000 Penalty is the amount that was agreed in an earlier Consent Order executed between MassDEP and Nasoya on 11/8/17 that the company would, among other requirements, operate the facility so as not cause a condition of air pollution through the generation of odors and to implement a third-party odor complaint hotline and verification system. Residents began calling into the complaint line shortly thereafter and were most troubled with odors over the President's Day weekend. Today's Demand represents 11 days of confirmed odors by the consultant. The company is continuing to investigate the source of the problem and will be submitting as required under the Consent Order, an application for a new Air Quality control device, a thermal oxidizer.

2/23/18: MassDEP issued a Stipulated Penalty Demand for \$8,000 to Excel Recycling LLC for continued noise violations in Freetown. Last year, on 10/16/17, MassDEP and Excel Recycling, LLC entered into a Consent Order that establishes enforceable deadlines to undertake sound mitigation activities to bring Excel into compliance with their Final Air Quality Plan Approval for the operation of Excel's metal shredder. In part, it said '*...no later than February 15, 2018, Respondent shall complete installation of the sound mitigation materials as provided by the approved Mitigation Plan. This deadline may be extended by MassDEP to no later than March 31, 2018 due to weather-related delays or delays in third party production or deliveries that are beyond Excel's control*'. On 2/14/18, at 3:20 pm, MassDEP received an email from Excel which included an attached letter requesting MassDEP extend the date for the installation of sound mitigation materials from 2/15/18 until 3/31/18. In response, MassDEP issued a deadline extension denial letter to Excel because Excel failed to justify a deadline for the extension.

2/20/18: MassDEP entered into a Consent Order with Two State YMCA for Water Pollution Control to address compliance with Septic System requirements in Becket. The camp has constructed a groundwater discharge treatment facility and connected much of the camp to that facility. Today's Order provides for a schedule to connect additional Title 5 Systems to that facility.

2/7/18: MassDEP issued a \$61,750 Penalty to Dennis G. Burns for Asbestos violations in Worcester. The violations occurred during an asbestos-removal conducted at an occupied residential property in Worcester. MassDEP found Burns dismantled an asbestos-insulated boiler and removed asbestos containing pipe insulation without using any containment or HEPA filtration units. No notification was filed with MassDEP for the asbestos removal work. Numerous pieces of dry, friable asbestos containing insulation were observed uncontained on basement floor at the site. Burns failed to retain a Massachusetts DLS-licensed asbestos contractor to clean and decontaminate all affected areas of the property and failed to finish installation of a new heating system resulting in significant additional expense to the property owner.

2/2/18: MassDEP entered into a Consent Order with town of Plainville's Water Department for violating locational running annual averages for total trihalomethanes (TTHM's) and haloacetic acids (HAA5's). TTHM's and

HAA5's are disinfection byproducts resulting from reactions between chlorine and dissolved organic material. Today's Order establishes a schedule requiring a short-term response, engineering analysis, and long-term corrective actions.

2/2/18: MassDEP entered into a Consent Order with a \$12,500 Penalty involving DOT BLOCK LLC for Waste Site Cleanup violations at 1207 Dorchester Avenue in Boston. MassDEP was not notified of contaminated soil on the property within 120 days as required under state regulations. Contamination was identified on the property during an assessment of the property in June of 2015. MassDEP was notified of the contamination on February 17, 2017. DOT BLOCK LLC has agreed to pay a civil administrative penalty of \$12,500 with \$5,000 paid and \$8,500 suspended for the violations. DOT BLOCK LLC is transferring the property and the large block is being developed into commercial and residential units. There are plans for five buildings between four and six stories which will include 362 rental units, about 37,000 square feet of ground floor retail space, and a five story garage to include 450 parking spaces.

2/2/18: MassDEP entered into a Consent Order with a \$31,000 Penalty involving Pezzi Service Station at 571 Washington Avenue in Chelsea. Pezzi Service Station Inc. is a gas station and repair facility that failed to comply with a Notice of Noncompliance (NON) issued by MassDEP on 8/14/17. That Notice required a Release Abatement Measure Status Report or Completion Report and a Permanent Solution Statement or a Phase I Report and a Tier Classification on or before 11/15/17. Pezzi Service Station Inc. submitted the required documentation at the time of the enforcement conference. Pezzi Service Station Inc. will pay \$3,000 of the Penalty with \$28,000 suspended.

January 2018

1/26/18: MassDEP entered into a Consent Order with a \$14,220 Penalty involving the town of Warren for Water Pollution Control violations in Warren. Today's Order addresses compliance with staffing, maintenance issues and sanitary sewer overflows (SSOs) within the wastewater system in Warren. MassDEP identified the staffing and maintenance issues during an inspection of the system and recent SSO's are likely related to deferred maintenance. Warren is required to update its operations and maintenance plan, conduct a staffing analysis, submit a staffing plan and make

specifically identified repairs and upgrades. MassDEP agreed to suspend the Penalty provided Warren complies with the terms of the Order.

1/24/18: MassDEP entered into a Consent Order with the Island Terrace Nursing Home for Water Pollution Control violations in Lakeville. Today's Order addresses noncompliant effluent exceedances and requires optimization of the onsite innovative/alternative large wastewater septic system and sets caps on total wastewater flow and nutrient loading, as well as sets a lower nitrogen discharge limit.

1/23/18: MassDEP entered into a Consent Order with a \$10,000 Penalty involving FRP Holdings LLC for Waste Site Cleanup violations at its property located at 24-40 & 44 Main Street, Westfield. FRP Holdings Westfield, LLC reported a release of chlorobenzene at its Westfield property in January 2012 and submitted a Downgradient Property Status Opinion in May 2017. That Opinion specifically identified an upgradient location as the potential source of this chlorobenzene release. A subsequent Department audit of this Opinion identified several violations including a failure to notify for the detection of petroleum hydrocarbons in groundwater and violations of the performance standards. FRP Holdings retracted the Opinion after learning of these violations identified by the Department's audit. As part of today's Order, FRP has agreed to conduct an assessment of indoor air within a retail store building adjacent to which elevated petroleum hydrocarbons were detected in groundwater. In addition, FRP Holdings agreed to conduct additional response actions to address the chlorobenzene and petroleum hydrocarbon releases detected at its property. FRP Holdings will pay \$5,000 of the Penalty, and MassDEP has agreed to suspend \$5,000 of the Penalty provided all terms of today's Order are met.

1/22/18: MassDEP issued a Boil Water Order to John Hodgdon d/b/a CJ's Restaurant in Palmer. CJ's Restaurant reported detections of E.coli in its distribution system and source. Today's Order requires investigation, emergency response, public notice and corrective actions.

1/22/18: MassDEP entered into a Consent Order with a \$3,245 Penalty involving SencorpWhite, Inc., for Air Quality and Hazardous Waste violations in Barnstable. MassDEP's inspection revealed the facility was generating Small Quantity Generator amounts of hazardous waste while registered as a Very Small Quantity Generator. It was also generating

Large Quantity Generator amounts of waste oil while registered as a Small Quantity Generator. In addition, the company had failed to make a waste determination, providing sufficient aisle-spacing for container storage of hazardous waste, container labeling and failure to maintain all required copies of hazardous waste manifests. In addition, SencorpWhite, Inc. failed to apply for a plan approval for acetone emissions from production activities greater than one ton per year. Today's Order ensures compliance with the Hazardous Waste and Air Pollution Control requirements. Total Penalty includes past-due annual compliance fees.

1/18/18: MassDEP entered into a Consent Order with a \$32,000 Penalty involving the town of Nahant for Waste Site Cleanup violations at Bass Point Road in Nahant. As owner of the property, this site was formerly owned by the Department of Defense and the contamination was discovered when fuel oil tanks were removed from the property by the Department of Defense in 1995. The specific Waste Site Cleanup violations include failure to meet deadlines, and failure to meet deadlines set out in a Notice of Noncompliance MassDEP issued on 9/3/09. In addition, the town failed to meet deadlines established in an earlier Consent Order on 1/4/10. Today's Order now requires the town to submit a Tier Classification (permit) extension by 3/1/18, and a phase two (assessment) report by 9/28/18. Further, the town will then submit a phase three (remedy options/selection) report by 3/29/19, and a permanent solution statement or a temporary solution statement by 12/30/19. The site is an ocean front park with trails. Today's Order requires the payment of \$1,000 with the remaining \$31,000 suspended provided the requirements are met. There is also an additional stipulated penalty provision for any missed deadlines.

1/18/18: MassDEP entered into a Consent Order with a \$10,000 Penalty involving the Trustees of Boston College for Waste Site Cleanup violations in Newton, specifically, failure to notify of a release from an Underground Storage Tank with 72 hours of discovery. MassDEP agreed to suspend \$5,000 of the Penalty pending the Trustee's compliance with cleanup requirements.

1/17/18: MassDEP entered into a Consent Order with a \$20,400 Penalty involving Environmental Response Services (ERS), Inc. for Asbestos violations in Norwood. ERS is a licensed asbestos abatement contractor, for violations of MassDEP's Asbestos regulations associated with the improper removal of asbestos-containing shingles from a commercial

structure located at 74 Broadway Street in Norwood. ERS failed to comply with asbestos work practice requirements for the proper removal, handling and disposal of asbestos-containing materials. ERS's improper shingle removal caused a potential release of asbestos fibers to the environment and resulted in asbestos-containing debris impacting a parking area, sidewalks and roadway as well as surrounding residential properties. Immediately following the incident, ERS decontaminated all affected areas. ERS also modified their company policies, work practices and provided asbestos training to all of their employees in a proactive effort to ensure future compliance with regulations. MassDEP agreed to suspend payment of \$11,700 of the Penalty provided ERS does not further violate any of the regulations cited in the Order within a one-year period.

1/16/18: MassDEP entered into a Consent Order with the town of War to address compliance with certified operator coverage while the public water system transitions to its primary operators in 2018 and beyond.

1/12/18: MassDEP entered into a Consent Order with a \$9,158 Penalty involving Seaman Paper Company of Massachusetts, Inc., for Hazardous Waste and Underground Storage Tank violations in Templeton. On 8/16/17, MassDEP conducted an inspection and observed at this company's decorative tissue paper manufacturing facility that it had been accumulating waste oil for more than 90 days. Further, they were not properly labeling drums of waste oil or marking the accumulation area, and had not conducted an integrity test on the two oil tanks sumps. Also, they had not posted required rectifier settings, did not have a properly-worded tank insurance document, and had not registered as a waste oil generator at its landfill gas-to energy plant at the Gardner landfill. In lieu of paying the total penalty to the Commonwealth, the company will be conducting a Supplemental Environmental Project (SEP) consisting of purchasing a vent fan, caution tape, propane meters, SCBA tanks, and fire truck piston intake valves for the local Fire Department.

1/11/18: MassDEP entered into a Consent Order with a \$17,250 Penalty involving Eurofins-Spectrum Analytical, Inc., for Air Quality violations at its Agawam facility. Eurofins provides environmental media testing services. As a result of an inspection of the company's facility, MassDEP determined that Eurofins was in noncompliance with conditions of its air quality permit which included failing to install required pollution control equipment and operation of equipment without demonstrating that the equipment could

achieve the required control efficiency. As part of today's Order, Eurofins will correct the violations and pay the entire \$17,250 Penalty.

1/11/18: MassDEP entered into a Consent Order with a \$1,460 Penalty involving Governors America Corp. for Hazardous Waste violations in Agawam. Governors America Corporation will address hazardous waste violations at its facility which is a provider of engine governing and system controls to equipment manufacturers and power providers. As a result of a MassDEP inspection it was discovered that the company failed to comply with hazardous waste labeling and housekeeping protocols and pay the \$1,460 Penalty.

1/11/18: MassDEP was notified of a case in Essex Superior Court: Judge Thomas Drechsler of Essex Superior Court in Salem sentenced Jaime Ford to at least two years in state prison, with an additional four years on probation after serving the initial time. In addition the Judge ordered Ford to pay \$214,000 in restitution to several victims, insurance companies and MassDEP, which expended state monies to clean up asbestos waste that Ford had left outside a Chipman Road property in Beverly. Last year, Ford pleaded guilty to several counts of larceny, fraud and Asbestos violations, among other crimes, that he committed while holding himself out as a home improvement contractor. Ford was not a licensed general contractor and would use money paid to him by clients to buy personal vehicles and go on gambling trips to Florida casinos. What work he did do was shoddy, not to code and not in compliance with MassDEP Asbestos regulations.

1/10/18: MassDEP entered into a Consent Order with a \$73,5750 Penalty involving Safety-Kleen Systems, Inc., for Hazardous Waste violations at 90 Rabbit Road in Salisbury. The facility is a licensed Hazardous Waste (HW) Treatment, Storage and/or Disposal Facility (TSDF). Today's Order resolves violations stemming from inspections on 5/24/17 & 6/13/17 where the violations included improperly labeled hazardous waste containers, failure to keep UST sumps, manways and spill buckets free and clear of any accumulated liquids, improperly placed leak detection sump sensor for the hazardous waste UST. The facility was also missing weekly inspection criteria, inadequate training, and some of its equipment was not in good operating condition or installed incorrectly. The violations included failure to remove accumulated liquid in the sump and spill bucket of the virgin solvent and leak-detection sump sensors not installed correctly, damaged or incorrectly installed UST equipment, inaccurate certifications, and failure

to have certain records available for inspection. Under the terms of the consent order, Safety-Kleen will pay \$60,375 of the penalty and \$13,200 will be suspended provided there are no further violations over the next year.

1/9/18: MassDEP entered into a Consent Order with an \$11,870 Penalty involving the city of Everett, for Underground Storage Tank violations at the city's Public Works facility at 19 Norman Street. The city owns and operates two UST systems: a 10,000-gallon UST for gasoline and a 10,000-gallon UST for diesel fuel. MassDEP found numerous and serious UST violations, including failure to have a functional leak-detection system as required for both the regular gasoline tank and diesel fuel tank. MassDEP found that a leak detection system at the facility had not been functional or even powered for a period of years. In addition, the city failed to annually certify the interstitial monitoring system; failed to remove standing water from the tank-top sumps; failed to remove fuel, water, and solid debris from the dispenser sumps; and, failed to produce the gasoline and diesel fuel tank-top turbine sump and dispenser sump integrity test records. Additional violations included the following failures: to remove fuel and standing water from the following spill buckets; to produce the spill bucket integrity test records for all of the spill buckets; to inspect and test the overfill prevention equipment annually; to replace the missing diesel fuel tank-top sump cover and properly anchor the gasoline dispenser piping; to maintain the required records and/or was unable to make them available to MassDEP upon request; and, to paint UST covers with correct color(s) to identify contents. Today's Order requires the city to correct all violations, pay \$8,902.50 of the Penalty with \$2,967.50 suspended, provided the violations are corrected and the city maintains compliance with the regulations for a period of two years.

1/8/18: MassDEP issued a Unilateral Order to Worcester Country Club Acres, LLC for Wetlands violations at 190 East Mountain Street in Worcester. During the construction of a condominium complex adjacent to Poor Farm Brook the violation allegedly involved failure to maintain erosion controls as required by its Order of Conditions, and the resulting unauthorized alteration of approximately 3,000 square feet of Bordering Vegetated Wetlands (BVW) and 110 linear feet of Bank. Today's Order requires Worcester Country Club Acres, LLC to cease work other than that required to stabilize the site and to submit a plan to MassDEP for review in which the site would be returned to compliance.